

## House Resolution 102 (AS PASSED HOUSE AND SENATE)

By: Representatives O`Neal of the 146<sup>th</sup>, Talton of the 145<sup>th</sup>, Smith of the 70<sup>th</sup>, and Everson of the 106<sup>th</sup>

## A RESOLUTION

1   Compensating Mr. Robert Clark and providing for a state income tax exclusion with respect  
2   to such compensation; and for other purposes.

3   WHEREAS, in 1981, a woman was abducted, raped, and robbed; and

4   WHEREAS, despite his continued proclamations of innocence, Mr. Robert Clark was  
5   arrested and charged with these crimes; and

6   WHEREAS, as a result of mistaken eyewitness identification, on May 26, 1982, Mr. Clark  
7   was convicted of kidnapping with bodily harm, rape, and robbery and sentenced to life  
8   imprisonment plus 20 years; and

9   WHEREAS, Mr. Clark continued adamantly to maintain that he was innocent, and, on  
10   December 18, 2003, he filed a petition for DNA testing which was granted; and

11   WHEREAS, the test concluded that Mr. Clark's DNA did not match the DNA from the  
12   semen obtained from the victim's rape kit, and therefore, he was not the perpetrator of the  
13   crimes for which he had been tried and convicted; and

14   WHEREAS, based upon this new evidence, a nolle prosequi was entered with respect to the  
15   indictment against Mr. Clark, and, on December 8, 2005, Mr. Clark was immediately  
16   released from prison after serving over 23 years in prison; and

17   WHEREAS, Mr. Clark has suffered loss of liberty, personal injury, lost wages, injury to  
18   reputation, emotional distress, and other damages as a result of his over 23 years of  
19   incarceration and expenses in trying to prove his innocence; and

1 WHEREAS, the conviction, incarceration, and subsequent loss of liberty and other damages  
2 occurred through no fault or negligence on the part of Mr. Clark, and it is only fitting and  
3 proper that he be compensated for his loss.

4 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF  
5 GEORGIA that the Department of Administrative Services is authorized and directed to pay  
6 the sum of \$1.2 million to Mr. Robert Clark as compensation as provided above. Said sum  
7 shall be paid from funds appropriated to or available to the Department of Administrative  
8 Services and shall be in full and complete satisfaction of all claims against the state arising  
9 out of said occurrence and shall be paid subject to the provisions of this resolution. Said sum  
10 shall be paid in the form of two annuities. The first annuity shall be in the amount of \$1  
11 million and shall be paid \$900,000 in equal monthly installments over a 15 year period of  
12 time beginning one year after the initial payment of \$100,000. Upon the death of Mr. Robert  
13 Clark, all payments and all obligations of the state with respect to any and all future  
14 payments with respect to such first annuity shall continue to be made to his estate or heirs.  
15 The second annuity shall be in the amount of \$200,000.00 and shall be paid in equal monthly  
16 installments over a 15 year period with no initial lump sum payment. All payments and all  
17 obligations of the state with respect to any and all future payments with respect to such  
18 second annuity shall cease upon the date of death of the beneficiary, Mr. Robert Clark.  
19 Neither such annuity shall be assignable under any circumstances.

20 BE IT FURTHER RESOLVED that any amount received by Mr. Robert Clark pursuant to  
21 this resolution shall be excluded from his taxable net income for state income tax purposes.